

Utilities) filed an amendment to its application with the Commission seeking an extension to December 31, 1997, of the period during which Citizens Utilities may issue not more than \$189.5 million of securities in support of or to guarantee securities issued by governmental or quasi-governmental bodies for the benefit of Citizens Utilities.

Comment date: September 23, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5887-5]

Notice of Final Decision To Grant Pharmacia and Upjohn a Modification of an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 Regarding Injection of Hazardous Wastes

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on a request to modify an exemption from the hazardous and solid waste amendments of the Resource Conservation and Recovery Act.

SUMMARY: Notice is hereby given by the United States Environmental Protection Agency (USEPA or Agency) that modification of an exemption to the land disposal restrictions under the

1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) has been granted to Pharmacia and Upjohn of Kalamazoo, Michigan. This modification allows Pharmacia and Upjohn to inject four (4) RCRA-regulated hazardous wastes which will be banned from land disposal on April 8, 1998, as a result of regulations promulgated on April 8, 1996, into two Class I injection wells at the Kalamazoo, Michigan, facility. The modification also increases the combined maximum injection volume for the two wells to 30 million gallons per year, as well as changing the name to Pharmacia and Upjohn. As required by 40 CFR part 148, Pharmacia and Upjohn has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone utilized by Pharmacia and Upjohn's waste disposal facility located near Kalamazoo, Michigan, for as long as the newly exempted waste remains hazardous. This decision constitutes a final Agency action for which there is no administrative appeal.

SUPPLEMENTARY INFORMATION: Pharmacia and Upjohn submitted a petition for an exemption from the restrictions on land disposal of hazardous wastes on February 22, 1988. Revised documents were received on September 21, 1988, and May 24, 1989 and several supplemental submittals were subsequently made. The exemption was granted on February 27, 1990.

On April 29, 1996, in their permit reapplications for Well #3 and #4 and in response to the Land Disposal Restrictions Rule published in the **Federal Register** at 61 FR 15566 et seq. on April 8, 1996, which set ban dates for a number of hazardous waste codes, Pharmacia and Upjohn submitted a request to add a total of four (4) additional RCRA waste codes to its exemption. These codes (D022, D028, D035, and D038) are banned by the April 8, 1996, rule. The newly-promulgated rule bans codes D022, D028, D035, and D038 from deep injection after April 8, 1998, unless Pharmacia and Upjohn makes a no-migration demonstration. Pharmacia and Upjohn made a no-migration demonstration in 1990. After careful review of the material submitted, the USEPA has determined, as required by 40 CFR part 148.20(f), that there is a reasonable degree of certainty that waste streams containing constituents designated by these codes will behave hydraulically and chemically like wastes for which Pharmacia and Upjohn

was granted its original exemption and will not migrate from the injection zone within 10,000 years. The injection zone is the Munising Formation. The confining zone is comprised of the Trempealeau Dolomite.

The petition exemption is also modified to change the name of the company to Pharmacia and Upjohn, to reflect the change in corporate ownership. All requirements and responsibilities remain in effect under this exemption approval.

Conditions: General conditions of this exemption are found at 40 CFR part 148. The exemption granted to Pharmacia and Upjohn on February 27, 1990, included a number of specific conditions. Conditions numbered (2) and (3) remain in force. Condition (1) is modified to increase the combined maximum injection volume into both Wells #3 and #4 to 30 million gallons a year. This increase in waste injectate volume requires that the model be reviewed in 2014 rather than 2018, to meet the modelled total lifetime injection volume.

Changes: The company name for the exemption approval is now Pharmacia and Upjohn. The waste codes approved under this exemption approval are: F001, F002, F003, F005, D001, D007, D022, D028, D035, and D038. The conditions of the exemption approval are:

(1) The combined annual injection volume for Well Numbers 3 and 4 must not exceed 30 million gallons

(2) The injection zone shall be limited to the Munising Formation; and

(3) Injection shall only occur into the Mt. Simon Member and into that portion of the Eau Claire Member which is below 4750 feet.

DATES: This action is effective as of September 8, 1997.

FOR FURTHER INFORMATION CONTACT: David Werbach, Lead Petition Reviewer, USEPA, Region 5, telephone (312) 886-4242. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative Record.

Rebecca L. Harvey,

Acting Director, Water Division.

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